

# CYRULI SHANKS

CYRULI SHANKS & ZIZMOR LLP

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October 28, 2024

Via ECF

Hon. James M. Wicks, U.S.M.J.  
United States District Court  
Eastern District of New York  
100 Federal Plaza, Courtroom 1020  
Central Islip, NY 11722-4438

Re: Deo, et. al. v. Baron, et. al., Case No. 2:24-cv-6903 (JMW)

Dear Magistrate Judge Wicks:

This firm represents itself, Cyruli Shanks & Zizmor LLP, defendant herein, as well as defendants Ronald Baron, Joshua Aaronson, Jory Baron, Marcello Sciarrino, Daniel O’Sullivan, Brian Chabrier, Wendy Kwun, Iris Baron, Raymond Phelan, Asad Khan, Estate Of David Baron, Baron Nissan Inc. d/b/a Baron Nissan and Island Auto Group of New York LLC a/k/a Island Auto Group of NY LLC a/k/a Island Auto Group (the “Island Auto Defendants”).<sup>1</sup>

On October 2, 2024 this Court issued an order [ECF No. 6] scheduling the Initial Rule 16 Scheduling Conference for November 5, 2024 at 11:30 AM, with the corresponding Proposed 26(f) Scheduling Order to be jointly submitted by October 29, 2024.

Since that time, the Superb Plaintiffs in the action Superb Motors Inc, et. al., v. Deo, et. al., Case No. 2:23-cv-6188 (JMW) (the “Superb Action”) have moved to consolidate this action with the Superb Action (the “Consolidation Motion”) and Superb Motors, Inc., defendant herein, has also filed the Consolidation Motion herein. The Consolidation Motion also seeks to disqualify counsel for Plaintiffs in this action. The Island Auto Plaintiffs joined in the Consolidation Motion in the Superb Action and the Island Auto Defendants herein joined in the Consolidation Motion in this action.

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<sup>1</sup> The firm of Kaufman Dolowich LLC has filed a consent application today to substitute as counsel for this firm. I have received their consent to file this letter.

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Further, the Court has granted several parties an extension to respond to the complaint in this action, *sine die*, pending the resolution of the Consolidation Motion. Two defendants in this action have also filed pre-motion conference letters requesting a conference in connection with their request seeking leave to file a pre-answer motion to dismiss, and a third defendant will imminently be filing a similar pre-motion conference letter.

With the uncertainty of the status of the complaint, the responses thereto being set *sine die* for various defendants and pre-motion conference requests seeking leave to file a pre-motion answer to dismiss being requested by numerous defendants, Island Auto Defendants respectfully request that the November 5, 2024 Rule 16 Scheduling Conference and the related Proposed 26(f) Scheduling Order be adjourned, *sine die*, until resolution of the consolidation motion and the pre-motion conference letters. This Court has broad discretion to grant adjournments of pretrial conferences, *see e.g.*, *Gordon v. Tese-Milner (In Re Gordon)*, 577 B.R. 38, 48 (S.D.N.Y. 2017) (citing *Morris v. Slappy*, 461 U.S. 1, 11 (1983)), and initial pretrial conferences are routinely adjourned *sine die* where parties participate, anticipate, or are engaged in motion practice on the pleadings. *See e.g.*, *Watkins v. Harlem Ctr for Nursing & Rehab, LLC*, 2020 U.S. Dist. LEXIS 163678, \*1 (S.D.N.Y. 2020) (adjourning initial pretrial conference *sine die* where based on anticipated motion practice).

In filing this request we are joined by counsel for defendants Superb Motors, Inc., Ally Financial, Inc., Citrin Cooperman & Company LLP, Milman Labuda Law Group PLLC, Nissan Motor Acceptance Company, LLC and Nextgear Capital Inc.

We thank the Court for its consideration in this regard.

Respectfully yours,

/s/ Jeffrey C. Ruderman  
Jeffrey C. Ruderman

cc: all counsel via ECF

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